

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
VoxNet, LLC
File No.: EB-IHD-21-00033087
NAL/Acct. No.: 202232080090
FRN: 0013691332

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: October 6, 2022

Released: October 6, 2022

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we find that VoxNet, LLC (VoxNet) apparently violated section 214 of the Communications Act of 1934, as amended (Act)1 and sections 63.03 and 63.04 of the Commission’s rules by willfully failing to obtain Commission approval before transferring its domestic section 214 authorization to Block Line Systems, LLC (Block Line).2 Based on our review of the facts and circumstances surrounding this matter, and for the reasons discussed below, we find that VoxNet is apparently liable for a total forfeiture of \$8,000.

II. BACKGROUND

2. Section 214(a) of the Act requires telecommunications carriers to obtain a certificate of public convenience and necessity from the Federal Communications Commission (Commission or FCC) before constructing, extending, acquiring, or operating any line, or engaging in transmission over that line.3 Carriers also must obtain a certificate from the Commission before discontinuing, reducing, or impairing service to a community.4 The Commission granted all domestic carriers blanket authority under section 214 to provide domestic interstate services and construct, acquire, and operate any domestic transmission line.5 However, section 63.03 of the Commission’s rules requires that any domestic carrier seeking to transfer control of its lines or authorization to operate under section 214 of the Act resulting from an acquisition of corporate control or acquisition of assets must obtain prior approval from the

1 47 U.S.C. § 214.

2 47 CFR §§ 63.03, 63.04.

3 47 U.S.C. § 214(a).

4 Id.

5 47 CFR § 63.01; see Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996; Petition for Forbearance of the Independent Telephone & Telecommunications Alliance, Report and Order and Second Memorandum Opinion and Order, 14 FCC Rcd 11364 (1999) (1999 Streamlining Order).

Commission.⁶ Asset acquisitions where customers will not lose service or have their service impaired as a result of the transaction are treated as transfers of control under sections 63.01, 63.03, and 63.04 of the Commission's rules.⁷ Section 63.04 sets forth the requirements for domestic transfer of control applications.⁸

3. VoxNet is a Delaware limited liability company with headquarters in Pennsylvania.⁹ VoxNet provides competitive local exchange carrier (LEC) and interexchange services to customers in Delaware, New Jersey, and Pennsylvania.¹⁰ VoxNet is wholly owned by The Apella Group, LLC, a Pennsylvania limited liability company organized on May 5, 2020.¹¹

4. Block Line is an Ohio limited liability company that provides competitive LEC services, interexchange services, and voice over Internet Protocol (VoIP) services in multiple jurisdictions across the United States.¹² Block Line is a wholly owned subsidiary of Block Communications, Inc., an Ohio corporation.¹³

5. On July 14, 2021, VoxNet entered into an Asset Purchase Agreement with Block Line.¹⁴ Between July 14, 2021, and September 1, 2021, VoxNet maintained its business while transitioning the customer base it served under its domestic 214 authorization to Block Line.¹⁵ Under the terms of the Asset Purchase Agreement, VoxNet's customer base and contracts were transferred to Block Line on

⁶ 47 CFR § 63.03; see Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations, Report and Order, 17 FCC Rcd 5517, 5521, 5547-48, paras. 5, 59, 63 (2002) (2002 Streamlining Order).

⁷ See 2002 Streamlining Order, 17 FCC Rcd at 5521, 5547-48, paras. 5, 59, 63 (stating that carriers must file a section 214 application and obtain Commission approval prior to consummating a proposed transfer of control, and that asset acquisitions where customers will not lose service or have their service impaired as a result of the transaction will be treated as transfers of control requiring approval).

⁸ 47 CFR § 63.04.

⁹ Response to Letter of Inquiry, from Bill Quinlan, President and Managing Partner, VoxNet, LLC, to Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, at 1, Response to Question 1 (Feb. 15, 2022) (on file in EB-IHD-21-00033087) (VoxNet LOI Response).

¹⁰ Domestic Section 214 Application Filed for the Acquisition of Assets of VoxNet, LLC by Block Line Systems, LLC, WC Docket No. 21-374, Public Notice, DA 1259 (WCB Oct. 8, 2021) (VoxNet Public Notice). VoxNet also provides Voice over Internet Protocol (VoIP) in 18 jurisdictions of the United States. VoxNet LOI Response, at 3, Response to Question 4.

¹¹ VoxNet LOI Response, at 2, Response to Question 2.

¹² Block Line provides competitive LEC services and interexchange services in Delaware, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Texas, and the District of Columbia. Block Line is authorized to provide interexchange services in California, Georgia, and Virginia. Block Line also provides VoIP services to customers in 17 states and the District of Columbia. VoxNet Public Notice at 1-2. See also Response to Letter of Inquiry, from J.G. Harrington, Cooley, Counsel to Block Line Systems, LLC, to Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, at 1, Response to Question 1 (Apr. 11, 2022) (on file in EB-IHD-21-00033087) (Block Line LOI Response).

¹³ Block Communications, Inc. also owns Buckeye Telesystem, Inc., an Ohio corporation, that provides competitive LEC services in Ohio and Michigan, resold interexchange services in Indiana, and VoIP services in Michigan, Ohio, and Pennsylvania; and Buckeye Cablevision, Inc., an Ohio corporation, that provides cable television services in Michigan and Ohio. VoxNet Public Notice at 1.

¹⁴ VoxNet LOI Response, at 4, Response to Question 8.

¹⁵ See Letter from Connie Wightman, Consultant to Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-374, at 1 (filed Sept. 23, 2021) (STA Request).

September 1, 2021,¹⁶ whereupon, Block Line started serving all of VoxNet's customers, and VoxNet ceased providing telecommunications services.¹⁷

6. Neither VoxNet nor Block Line sought Commission approval before VoxNet transferred telecommunications assets that are necessary to provide domestic telecommunications service to the former VoxNet customers and subject to its domestic section 214 authorization. On September 23, 2021, Block Line and VoxNet submitted a joint application for authorization of the transfer of VoxNet's assets.¹⁸ Concurrently, a request for Special Temporary Authority (STA)¹⁹ to allow Block Line to continue to provide service to the acquired customers pending Commission approval of the application was also submitted, acknowledging that the customer base transfer occurred prior to Commission approval of the transaction.²⁰ On October 8, 2021, the Wireline Competition Bureau granted the STA to allow Block Line to provide domestic service for a period of 60 days.²¹ On November 8, 2021, sixty-eight days following the September 1, 2021 completion of VoxNet's asset transfer to Block Line, the Wireline Competition Bureau granted the application for a domestic section 214 authorization.²²

7. The Commission's Enforcement Bureau (Bureau) issued a letter of inquiry (LOI), initiating an investigation into whether VoxNet may have violated section 214 of the Act and the Commission's rules pertaining to the ownership and operation of domestic telecommunications service.²³ VoxNet responded to the LOI on February 15, 2022.²⁴

III. DISCUSSION

8. Under section 503(b)(1) of the Act, any person who is determined by the Commission to have failed willfully or repeatedly to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.²⁵ Section 312(f)(1) of the Act defines willful as "the conscious and deliberate commission or omission of [any] act,

¹⁶ *VoxNet Public Notice* at 2. *See also* VoxNet LOI Response, at 4, Response to Question 8.

¹⁷ *Id.*

¹⁸ Section 214 Transfer of Control Application of VoxNet, LLC and Block Line Systems, LLC, WC Docket No. 21-374, at 1-3 (filed Sept. 23, 2021) (Domestic Section 214 Application); First Amendment to the Application of VoxNet, LLC and Block Line Systems, LLC, WC Docket No. 21-374, at 6 (filed Oct. 6, 2021) (Application Amendment) (amending Applicants September 23, 2021 Domestic Section 214 Application). *See also* VoxNet LOI Response, at 5, Response to Question 8(d-e).

¹⁹ A carrier may apply for a STA relating to temporary or emergency services under a section 214 authorization pursuant to section 63.25 of the Commission's rules. 47 CFR § 63.25.

²⁰ VoxNet and Block Line also explain that the failure to seek timely Commission approval of the transaction was inadvertent and unintentional, and that they were not initially aware that the sale of a customer base, without transfer of control of a service provider, was subject to FCC approval. STA Request at 1-2. The Applicants took steps to remedy the issue as soon as they became aware of it, filing the transfer application and STA request less than 30 days after the transaction occurred. *See* VoxNet LOI Response, at 5, Response to Question 8(d-e).

²¹ STA Request, granted Oct. 8, 2021 (on file in WC Docket No. 21-374).

²² This grant was expressly without prejudice to enforcement action for non-compliance with the Act or the Commission's rules. *Notice of Domestic Section 214 Authorization Granted*, DA 21-1396, WC Docket No. 21-374, Public Notice (WCB Nov. 8, 2021).

²³ Letter of Inquiry from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to VoxNet, LLC (Jan. 14, 2021) (on file in EB-IHD-21-00033087) (LOI).

²⁴ VoxNet LOI Response.

²⁵ *See* 47 U.S.C. § 503(b)(1)(B); 47 CFR § 1.80(a)(1).

irrespective of any intent to violate” the law.²⁶ The legislative history of section 312(f)(1) of the Act clarifies that this definition applies to both sections 312 and 503(b) of the Act²⁷ and the Commission has so interpreted the term in the section 503(b) context.²⁸ The Commission may also assess a forfeiture for violations that are merely repeated, and not willful.²⁹ “Repeated” means that the act was committed or omitted more than once, or lasts more than one day.³⁰ To impose such a forfeiture penalty, the Commission must issue a notice of apparent liability, and the person against whom the notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.³¹ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.³²

A. VoxNet Apparently Violated Section 214 of the Act and Sections 63.03 and 63.04 of the Commission’s Rules

9. The Commission’s rules require telecommunications carriers that hold a section 214 authorization to obtain Commission approval prior to any substantial transfer of control or acquisitions of assets.³³ When a telecommunications provider fails to seek approval from the Commission for a substantial transfer of control, the Commission might not have a proper record of all carriers. Violations of these transfer of control notification requirements are significant because they impede the Commission’s ability to regulate telecommunications carriers by keeping track of ownership of authorizations, as well as ascertaining whether to refer the transaction that results in a transfer of control to the Executive Branch for further review to assess any national security, law enforcement, foreign policy, or trade policy concerns.

10. VoxNet’s transfer of its customer base, contracts, and vendor contracts to Block Line as part of their Asset Purchase Agreement constituted a transfer of control of VoxNet’s telecommunications assets that are subject to its domestic section 214 authorization to provide service to its customer base.³⁴ VoxNet and Block Line acknowledged their non-compliance with the Commission’s requirements for approval prior to their transaction in their joint application for the transfer of control and STA, notifying the Commission of the transaction within 30 days of the transfer.³⁵ The Wireline Competition Bureau granted the STA on October 8, 2021.

²⁶ 47 U.S.C. § 312(f)(1).

²⁷ H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982).

²⁸ See, e.g., Application for Review of Southern California Broadcasting Co., Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991) (*Southern California Broadcasting Co.*).

²⁹ See, e.g., *Callais Cablevision, Inc., Grand Isle, Louisiana*, Notice of Apparent Liability for Monetary Forfeiture, 16 FCC Rcd 1359, 1362, para. 10 (2001) (*Callais Cablevision, Inc.*) (issuing a Notice of Apparent Liability for, *inter alia*, a cable television operator’s repeated signal leakage).

³⁰ 47 U.S.C. § 312(f)(2); see also *Southern California Broadcasting Co.*, 6 FCC Rcd at 4388, para. 5; *Callais Cablevision, Inc.*, 16 FCC Rcd at 1362, para. 9.

³¹ 47 U.S.C. § 503(b); 47 CFR § 1.80(g).

³² See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002) (forfeiture paid).

³³ 47 CFR § 63.03 (prescribing procedures domestic transfers of control). See *2002 Streamlining Order*, 17 FCC Rcd at 5521, 5547-48, paras. 5, 59, 63.

³⁴ See *2002 Streamlining Order*, paras. 59, 63.

³⁵ VoxNet’s completion of its transfer of its customer base to Block Line occurred on September 1, 2021, and they filed a joint application with the Commission on September 23, 2021. Domestic Section 214 Application at 1-13.

11. Pursuant to sections 63.03 and 63.04 of the Commission's rules,³⁶ a domestic carrier seeking to transfer control of its 214 authorization, or to acquire assets not resulting in loss of service, must file a domestic transfer of control application prior to the transaction. VoxNet did not submit an application and request for STA until after the transaction between VoxNet and Block Line had been consummated. We therefore conclude that VoxNet apparently violated section 214 of the Act and sections 63.03 and 63.04 of the Commission's rules by transferring control of telecommunications assets that are subject to its domestic section 214 authorization to Block Line before requesting and receiving Commission approval to do so.³⁷

B. Proposed Forfeiture

12. Section 503(b)(1) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply substantially with the terms and conditions of any license, permit, certificate or other instrument or authorization issued by the Commission" as well as or against an entity that "willfully or repeatedly fail[s] to comply with any of the provisions of the [Act] or of any rule, regulation, or order issued by the Commission."³⁸ In exercising the Commission's forfeiture authority, we must consider the "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."³⁹ In addition, the Commission has established forfeiture guidelines; they establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.⁴⁰ Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.⁴¹

13. We conclude that VoxNet apparently failed to obtain Commission authorization prior to transferring its assets to Block Line. Section 1.80(b) of the Commission's rules establishes a base forfeiture of \$8,000 for an unauthorized substantial transfer of control.⁴² We have discretion, however, to depart from these guidelines, taking into account the particular facts of each individual case.⁴³ Based on the totality of the facts in the record, we have determined that no adjustment is warranted in this case, upwards or downwards.

14. Here, VoxNet failed to file an application and seek Commission approval before it transferred its customer base and contracts to Block Line, resulting in an apparent unauthorized transfer of

³⁶ 47 CFR §§ 63.03, 63.04.

³⁷ 47 U.S.C. § 214; 47 CFR §§ 63.03, 63.04; *WDT World Discount Telecommunications Co., Inc.*, Notice of Apparent Liability for Forfeiture and Admonishment, 31 FCC Rcd 12571 (EB 2016); *Stanacard, LLC*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 82 (EB 2013).

³⁸ 47 U.S.C. § 503(b).

³⁹ 47 U.S.C. § 503(b)(2)(E).

⁴⁰ 47 CFR § 1.80(b)(10), Table 3 to Paragraph (B)(10).

⁴¹ *Id.*

⁴² 47 CFR § 1.80(b), Table 1 to Paragraph (B)(10); *see also WDT World Discount Telecommunications Co., Inc.*, Notice of Apparent Liability for Forfeiture and Admonishment, 31 FCC Rcd 12571, 12577, para. 17 (EB 2016).

⁴³ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17098-99, para. 22 (1997) (noting that "[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act") (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

control. VoxNet's apparent violations continued for over a month, from September 1, 2021, until the domestic STA was granted on October 8, 2021. Accordingly, we propose a total base forfeiture of \$8,000 for the Company's apparent unauthorized transfer of its domestic section 214 authorization.⁴⁴

15. Therefore, after applying the *Forfeiture Policy Statement*, section 1.80 of the Commission's rules, and the statutory factors, we propose the total base forfeiture of \$8,000,⁴⁵ for which VoxNet is apparently liable.⁴⁶

IV. CONCLUSION

16. We have determined that VoxNet apparently willfully or repeatedly violated section 214 of the Act and sections 63.03 and 63.04 of the Commission's rules. Accordingly, VoxNet is apparently liable for an \$8,000 forfeiture.

V. ORDERING CLAUSES

17. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act⁴⁷ and section 1.80 of the Commission's rules,⁴⁸ VoxNet, LLC is **HEREBY NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of eight thousand dollars (\$8,000) for willful and repeated violations of section 214 of the Act and sections 63.03 and 63.04 of the Commission's rules.⁴⁹

18. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules,⁵⁰ within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, VoxNet, LLC **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 21 below.

19. VoxNet, LLC, shall send electronic notification of payment to Jeffrey Brown, Enforcement Bureau, Federal Communications Commission, at Jeffrey.Brown@fcc.gov on the date said payment is made. Payment of the forfeiture must be made by credit card using the Commission's Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁵¹

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned

⁴⁴ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03, 63.04.

⁴⁵ 47 CFR § 1.80(b), Table 1 to Paragraph (B)(10); see also *WDT World Discount Telecommunications Co., Inc.*, Notice of Apparent Liability for Forfeiture and Admonishment, 31 FCC Rcd 12571, 12577, para. 17 (EB 2016) (“[S]ection 1.80 of the [Commission’s] [r]ules establishes a base forfeiture amount of \$8,000 for an unauthorized substantial transfer of control.”) (internal cites omitted).

⁴⁶ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

⁴⁷ 47 U.S.C. § 503(b).

⁴⁸ 47 CFR § 1.80.

⁴⁹ 47 U.S.C. § 214; 47 CFR §§ 63.03, 63.04.

⁵⁰ 47 CFR § 1.80.

⁵¹ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

above and the letters “FORF”. In addition, a completed Form 159⁵² or printed CORES form⁵³ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁵⁴ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

20. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.⁵⁵ If you have any questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRES@fcc.gov.

21. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.⁵⁶ The written statement must be mailed to Jeffrey J. Gee, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, and must include the

⁵² FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁵³ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁵⁴ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

⁵⁵ See 47 CFR § 1.1914.

⁵⁶ 47 CFR §§ 1.16, 1.80(f)(3).

NAL/Acct. No. referenced in the caption. The written statement shall also be e-mailed to Jeffrey J. Gee at Jeffrey.Gee@fcc.gov and to Jeffrey Brown at Jeffrey.Brown@fcc.gov.

22. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.⁵⁷ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we have discretion to not reduce or cancel the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.⁵⁸

23. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail or certified mail, return receipt requested to: VoxNet, LLC, c/o Bill Quinlan, 400 Davis Drive, Suite 100, Plymouth Meeting, Pennsylvania 19462.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Acting Chief
Enforcement Bureau

⁵⁷ 47 U.S.C. § 503(b)(2)(E).

⁵⁸ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18–21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860–62, paras. 21–25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-904, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).